THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.16316 OF 2007

DATED 31st JULY, 2007

BETWEEN:

Peruka Rajamallu

… Petitioner

AND

The Tahsildar, Karimnagar, Karimnagar District and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16316 OF 2007

ORDER:

The petitioner's father allegedly purchased an extent of Acs.0.22 guntas in survey No.182/A under registered sale deed, dated 21.07.1972 from Ganla Rajalingam. His brother purchased an extent of Acs.0.23 guntas from the same vendor under an unregistered sale deed and the petitioner purchased another extent of Acs.0.19 guntas in survey No.183 from Dana Mallaiah in 1975. The petitioner also alleges that he is owner of agricultural land admeasuring Acs.4.12 guntas including the lands referred to hereinabove. The first respondent herein initiated action under the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity), and issued notice in Form I under Rule 3 of A.P.Assigned Lands (Prohibition of Transfer) Rules, 2007 calling upon the petitioner to show cause as to why he should not be summarily evicted from the assigned lands. After receiving notice, petitioner submitted explanation on 07.05.2007 and the Tahsildar is yet to pass orders. In the meanwhile, it is alleged that respondents are trying to evict petitioner without passing order under Section 4 of the Act. Hence, he filed instant writ petition assailing the notice issued by first respondent on 01.04.2007.

Learned counsel for petitioner does not dispute against the show cause notice, a writ petition would not lie. He, however, submits that first respondent without passing orders under Section 4 of the Act is trying to evict petitioner, and therefore, petitioner is constrained to file the present writ petition.

After perusing affidavit accompanying the writ petition and giving anxious consideration to submissions made by learned counsel, this Court is not able to accept the writ petition. When first respondent has not passed any orders under Section 4 of the Act, the question of evicting petitioner does not arise. The first respondent shall pass necessary orders immediately before taking any steps for evicting the petitioner.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO,J)

31.07.2007.
pln